

EXHIBIT I

**TO DECLARATION OF MATTHEW D. BROWN
IN SUPPORT OF FACEBOOK, INC.'S OPPOSITION
TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

[PUBLIC DOCUMENT]

Robert S. Arns, State Bar No. 65071
 RSA@ARNSLAW.COM
 Jonathan E. Davis, State Bar No. 191346
 JED@ARNSLAW.COM
 Steven R. Weinmann, State Bar No. 190956
 SRW@ARNSLAW.COM
THE ARNS LAW FIRM
 515 Folsom Street, 3rd Floor
 San Francisco, CA 94105
 Tel: (415) 495-7800
 Fax: (415) 495-7888

Jonathan M. Jaffe, State Bar No. 267012
 JMJ@JAFFE-LAW.COM
JONATHAN JAFFE LAW
 3055 Hillegass Avenue
 Berkeley, CA 94705
 Tel: (510) 725-4293
 Fax: (510) 868-3393

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
 MAINZER; JAMES H. DUVAL, a minor, by
 and through JAMES DUVAL, as Guardian ad
 Litem; and WILLIAM TAIT, a minor, by and
 through RUSSELL TAIT, as Guardian ad Litem;
 individually and on behalf of all others similarly
 situated,

Plaintiffs,

v.

FACEBOOK, INC., a corporation; and DOES 1-
 100,

Defendants.

Case No. CV 11-01726 LHK PSG

**PLAINTIFF JAMES H. DUVAL'S
 RESPONSES TO DEFENDANT'S
 INTERROGATORIES**

SET ONE

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 12, 2012

PROPOUNDING PARTY: Defendant FACEBOOK, INC.

RESPONDING PARTY: Plaintiff JAMES H. DUVAL, a minor by and through
 JAMES DUVAL, as Guardian ad Litem

SET NUMBER: ONE

1 privileged communications or attorney work product; for purposes of these responses,
 2 “privileged” includes but is not limited to those documents protected by the attorney work
 3 product doctrine.

4 10. Plaintiff objects to the definition of “USERNAME” as the definition does not
 5 explain what that term means in the context of being a Facebook.com user. Plaintiff will
 6 interpret this to mean the email address by which plaintiff logs in or has logged in to Plaintiff’s
 7 facebook.com account.

8 Subject to the above objections, Plaintiff responds as follows:

9
 10 **INTERROGATORY NO. 1:**

11 DESCRIBE YOUR review of or interaction with the FACEBOOK TERMS AND
 12 POLICIES or FACEBOOK’s Help Center pages, including the approximate date(s), what you
 13 reviewed, why you reviewed it, what you understood the FACEBOOK TERMS AND
 14 POLICIES or Help Center pages you reviewed to mean and all other circumstances regarding
 15 YOUR review of or interaction with the FACEBOOK TERMS AND POLICIES or
 16 FACEBOOK’s Help Center pages.

17
 18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Plaintiff objects to this Interrogatory as compound and consisting of at least three
 20 subparts. Plaintiff objects to the Interrogatory as overbroad, vague and ambiguous in that it
 21 does not identify particular pages or clauses or aspects of same, but asks generally “what you
 22 understood” the documents to mean. Subject to those objections and the General Objections,
 23 Plaintiff responds as follows: I became a Facebook member in approximately November 2007
 24 I do not recall reading the Statement of Rights and Responsibility, Terms of Use, Privacy
 25 Policy or Principles when signing up or since that time. I do not recall reading any Help Center
 26
 27
 28

1 pages when I signed up. I understood that the Terms of Use tried to limit what people could do
2 on Facebook, but I do not know what those restrictions were. I also understood that the Privacy
3 Policy in some way limited who could see my posts and information, but do not know in
4 exactly what ways.
5

6 **INTERROGATORY NO. 2:**

7 DESCRIBE the circumstances under which YOU have "Liked" any content (including,
8 without limitation, a product, service, website, brand, organization, celebrity, musician, band,
9 event, Facebook Page, or other content) on Facebook.com including, with respect to each piece
10 of content "Liked," the date(s) YOU "Liked" the content, a description of the content "Liked,"
11 whether YOU "Liked" the content through FACEBOOK's website or a third-party website, and
12 all the reason(s) YOU "Liked" the content, including whether you "Liked" the content in order
13 to inform your FACEBOOK Friends that you liked the content.
14

15 **RESPONSE TO INTERROGATORY NO. 2:**

16 Plaintiff objects to this Interrogatory as compound and consisting of at least five
17 subparts. Plaintiff objects to the lack of a time frame on grounds of relevance and undue
18 burden, and responds only as to the time period from January 15, 2011 to October 7, 2011.
19 Plaintiff also objects to the Interrogatory as overbroad and unduly burdensome. Subject to
20 those objections and the General Objections, Plaintiff responds as follows: Sometime on or
21 before April 7, 2011, I clicked on a Facebook "Like" button found on the facebook.com page
22 for PopCorners. I did this to get a special offer code, not because I had an affinity for
23 PopCorners. I did this to get a special offer code, not because I had an affinity for
24 PopCorners. See Exhibit 5 to the Second Amended Complaint. A true and correct copy of a
25 printout of the page on May 4, 2011, similar to the one which caused me to click on the
26 Facebook Like button. I cannot recall specific other items I may have employed the Facebook
27
28

1 “Like” button at this time, or the reasons for doing so. However, I have generally used the
2 “Like” button for one of the following reasons: I enjoy a particular musical artist or actor, or it
3 is someone I know personally and want to support him or her or them; I click the “Like” button
4 to support a friend’s post or action; With regard to companies, I often click the “Like” button
5 because I am required to do so if I want to see something offered, such as more information,
6 photos, or coupons.
7

8 **INTERROGATORY NO. 3:**

9 DESCRIBE the PRIVACY SETTINGS in place for YOUR Facebook.com account(s)
10 on August 1, 2009 and any changes YOU have made to YOUR PRIVACY SETTINGS since
11 that time, including the reasons for the settings YOU employed for YOUR account(s) on
12 August 1, 2009 and the reasons for any modifications YOU made thereafter.
13

14 **RESPONSE TO INTERROGATORY NO. 3:**

15 Plaintiff objects to this Interrogatory as compound and consisting of at least three
16 subparts. Plaintiff objects to the time frame on grounds of relevance and undue burden, and
17 responds only as to the date of Plaintiff’s initial signup, and the time period from January 25,
18 2011 to October 7, 2011. Subject to those objections and the General Objections, Plaintiff
19 responds as follows: I have changed my privacy settings recently, around college season. I also
20 recall changing some setting during the time of a school-wide game when I did not want others
21 to find me. I changed a privacy setting so I could not be searched on Facebook.com.
22
23

24 **INTERROGATORY NO. 4:**

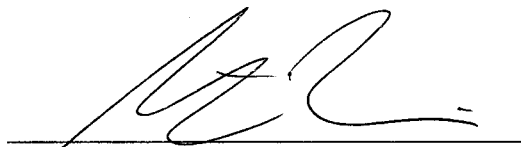
25 IDENTIFY all relevant dates, if any, on which YOU changed YOUR PRIVACY
26 SETTINGS to “opt in” or to “opt out” of FACEBOOK’s Social Ads, and the reasons YOU did
27 so.
28

1 **INTERROGATORY NO. 16:**

2 DESCRIBE the circumstances under which YOUR parent(s) and/or guardian(s) became
3 aware that YOU had or intended to open a FACEBOOK account, including whether YOU
4 asked for YOUR parent(s)' and/or guardian(s)' permission to join FACEBOOK and their
5 response(s).
6

7 **RESPONSE TO INTERROGATORY NO. 16:**

8 In approximately Nov. 2007, after I had opened the account, I informed my parents I
9 had opened a Facebook account. I didn't seek their authorization beforehand.
10

11
12 
13 ROBERT S. ARNS
14 JONATHAN E. DAVIS
15 STEVEN R. WEINMANN
16 **THE ARNS LAW FIRM**
17 515 Folsom Street, 3rd Floor
18 San Francisco, CA 94105
19 Tel: (415) 495-7800
20 Fax: (415) 495-7888

21 JONATHAN M. JAFFE
22 **JONATHAN JAFFE LAW**
23 3055 Hillegass Avenue
24 Berkeley, CA 941705
25 Tel: (510) 725-4293
26 Fax: (510) 868-3393

27 Attorneys for Plaintiffs
28

VERIFICATION (Standard) FRCP 33(b)(1), (2)

I declare that:

I am the plaintiff in the above-entitled action; I am familiar with the contents of the following:

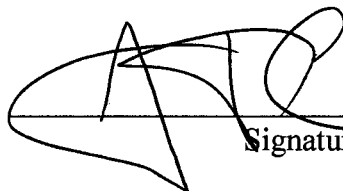
Plaintiff James H. Duval's Responses to Defendant's Interrogatories, Set One

The information supplied therein is based on my own personal knowledge and/or has been supplied by my attorneys or other agents and is therefore provided as required by law. The information contained in the foregoing document(s) is true, except as to matters which were provided by my attorneys or other agents, and, as to those matters, I am informed and believe that they are true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on:

October 18, 2011, at 515 Folsom St., 3rd Floor, San Francisco, California
Date

James H. Duval, a minor by and through
James Duval, as Guardian ad litem
Type Name


Signature